

The opinion in support of the decision being entered today was not  
written for publication and is not binding precedent of the Board

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

Ex parte MARCELLO TONCELLI

FEB 21 2002

Appeal No. 2001-1942  
Application No. 09/369,570

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER DISMISSING APPEAL

Before STONER, Chief Administrative Patent Judge, HARKCOM, Vice Chief Administrative Patent Judge, and PAWLICKOWSKI, Administrative Patent Judge.

Per Curiam.

On January 17, 2002, counsel for the appellant filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

Appeal No. 2001-1942  
Application No. 09/369,570

The application is being returned to the examiner for further action as may be deemed appropriate.

  
BRUCE H. STONER, JR., Chief  
Administrative Patent Judge

**BRUCE H. STONER, JR., Chief  
Administrative Patent Judge**

GARY V. HARKCOM, Vice Chief  
Administrative Patent Judge

*Beverly Pawlikowski*  
BEVERLY A. PAWLICKOWSKI  
Administrative Patent Judge

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Appeal No. 2001-1942  
Application No. 09/369,570

LACKENBACH SIEGEL

J. Harold Nissen

One Chase Road

Scarsdale, NY 10583